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1 all possibilities and you are very objective. And, to me,
2 this was a very subjective, one-sided investigation. And
3 being an investigator doesn't mean that this is scientific as
4 a scientist. I know they are not scientific about it. They
5 had a goal in mind.
6 Q. Earlier, you referenced something you had read about in
7 the paper that you were surprised to see that John was being
8 accused of. Could you tell me exactly what you understand
9 that accusation to be.
10 A. Everything. It was the burning of the student that
11 really shocked me. I guess I would think that I would have
12 been aware of that. I mean, I would think there would be,
13 like, a bandage or students really talking about it, because
14 they were there. I mean, the other students that were in
15 that class, I had in class, so I'm wondering why somebody
16 wouldn't say, Wow, Zach got burned, or, You should see the
17 cross on Zach's arm. It's almost like -- I can't explain why
18 I had to find out everything in the newspaper when I have
19 these same kids sitting in front of me writing about
20 everything that happens in class.
21 (Employee's Exhibit 17 was marked for
22 identification.)
23 Q. I'm going to hand you what's been marked as Employee
24 Exhibit No. 17. Are you familiar with that?
25 A. Yes. Yes. And I believe I sent one to Mr. Short too.

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1 Q. Okay.
2 A. Yeah.
3 Q. What is this e-mail about?
4 A. This is about one of the allegations in the lawsuit
5 against the school district. One of the allegations was that
6 the students were placed -- the particular student was placed
7 in John Freshwater's group and on his bus intentionally to
8 make him uncomfortable or to get even with him, something
9 like that. And I knew that John had nothing to do with the
10 scheduling at all and that we tried to get from him who it
11 was so we didn't put him in that group, because we wanted to
12 specifically make sure he was on a different bus and with a
13 different group so that he was comfortable. But John, of
14 course, couldn't tell us anything. And we didn't know, so we
15 just were trying to figure out who we thought it was or who
16 it could be --
17 Q. Um-hum.
18 A. -- based on who was in that class. And we just
19 scheduled all those kids on a different bus and with
20 different groups. So where this boy got the information that
21 he was going to be in John's group and on John's bus was
22 completely false. It must have been another student who told
23 him that, and it wasn't true. And I have all the e-mails,
24 and the groups were assigned long before the field trip that
25 I sent to Cleveland. And my correspondence with the rock

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1 hall and science museum verifies that.
2 Q. Who is it that you understand made the allegation that
3 John somehow coordinated that person that was involved with
4 the Tesla coil burn? How did you -- do you know who that
5 person allegedly is?
6 A. Whoever it was that filed the lawsuit or the attorney
7 for the people who filed the lawsuit, but I would think that
8 information would have come from Zach. Is that the boy that
9 was -- I'm thinking he's the one who on the field trip feels
10 that he was in that group.
11 Mindy Jones and I both have kept all of our
12 correspondence and all of our lists and everything with dates
13 so that that is absolutely verified.
14 And the district has no involvement in the field trip
15 groupings. It was Mindy Jones and I, individual teachers.
16 Q. Ma'am, I'm trying to get her to mark that exhibit, but
17 she keeps look at me, saying, I can't stop because you --
18 A. I'll shut up now.
19 Q. I'm not asking you to shut up. I'm just asking you to
20 take one pause, ma'am.
21 (Employee Exhibit No. 18 was marked for
22 identification.)
23 Q. Miss Henry, I direct your attention to what's been
24 marked as Employee Exhibit No. 18. Are you familiar with
25 this?

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1 A. Yes.
2 Q. What is it we're looking at in Employee Exhibit No. 18?
3 A. We're looking at the groups that I organized for the
4 trip to the Cleveland science museum and Rock Hall of Fame.
5 We divided the students into two large groups. One group
6 went to the science museum while the other group went to the
7 rock hall, and then we switched. One group was on one bus,
8 and another group was on another bus. The group that we had
9 with Mr. Freshwater, we -- the only way we got around knowing
10 that these kids were okay is by giving him a list and asking
11 him if those kids were okay to put in his group, if he agreed
12 to those kids.
13 And he said -- and this is what really aggravated us.
14 He said, Oh, I'll take anybody in my group. I like all the
15 kids.
16 So then we still were so frustrated because he never
17 would let us know anything. So when I saw that accusation,
18 that's when I thought, Uh-oh, one of those kids was the one,
19 and we were so careful not to.
20 And when I found out that it was -- I didn't know who
21 the student was, but I knew it was not one of those. That's
22 when I got angry.
23 Q. John Freshwater have any participation in creating any
24 of these assigned groups?
25 A. No, none. Mindy Jones and I did everything, everything

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1 for the field trip, and we did it on our own. We notified
 2 the rest of the team in team meetings what we were doing and
 3 we gave them copies of everything, but Mindy and I ran the
 4 whole show.
 5 Q. Earlier, you stated that you actually had two children
 6 that attended John Freshwater's class.
 7 A. Um-hum (affirmative).
 8 Q. I remember you said that one of them was a boy and one
 9 was a girl. Correct?
 10 A. Um-hum (affirmative).
 11 Q. And how recent had they attended his class? The last
 12 four or five years?
 13 A. Mark's 19. Barbara just turned 22. Let me think.
 14 Mark's a sophomore in college now, so how many years would
 15 that have been? Six, seven. And then Barbara would have
 16 been -- it would have been about nine years ago. She's two
 17 years older.
 18 Q. Were they in the same class, one of your children, with
 19 a student by the name of Joe Barone?
 20 A. Actually, no. They're good friends with Joe. He's a
 21 year -- he's a year in between, I think. Yeah, he's a year
 22 younger than Barbara and a year older than Mark. He's right
 23 in between there. But they have always been friends. Mark
 24 and Joe did a lot of acting plays and things together in the
 25 drama club.

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1 Q. Joe ever come over to your house? Joe Barone?
 2 A. Let me think. I don't remember if they've been over to
 3 our house, but I know they've been to his house frequently.
 4 I've been to his house.
 5 Q. You've been to the Barones' house?
 6 A. Yes. And Barbara has been to some of his plays at Ohio
 7 State.
 8 Q. I asked you out in the hallway if you spoke to Mr. Short
 9 or Mrs. Weston about your testimony today. It's my
 10 understanding you did not.
 11 A. No.
 12 Q. But you did speak to Mr. Millstone?
 13 A. Yes.
 14 Q. And your characterization of Mr. Millstone's
 15 conversation was, he asked you to be truthful. Right?
 16 A. Um-hum (affirmative).
 17 Q. Anything else?
 18 A. No.
 19 Q. Did he seem surprised with any information that you
 20 shared with him?
 21 A. I think that the students not sharing or not talking
 22 about -- he asked me if they ever mentioned anything about
 23 lining up and seeing if a student got thrown on the floor or
 24 something by a charge, by an electric charge. And that was
 25 quite shocking to me. That's the first I heard that. And I

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1 said absolutely not. They've never even talked about anybody
 2 getting shocked, let alone standing in a line and seeing if
 3 somebody gets thrown on the floor. But it made me think of
 4 the COSI demonstration, and I thought, I wonder if a kid ever
 5 got thrown on the floor.
 6 Q. Are you familiar with the policies there at the Mount
 7 Vernon city school system?
 8 A. Policies?
 9 Q. Yes.
 10 A. You mean Board policies?
 11 Q. Yes.
 12 A. Not a lot of them until I found out that I might be in
 13 violation of some.
 14 Q. Okay.
 15 A. And I found that out through the newspaper.
 16 Q. And did you get any specific training on these Board
 17 policies?
 18 A. No. In fact, I don't think -- are they in writing
 19 somewhere?
 20 Q. You're not even sure?
 21 A. I'm sure they're in writing somewhere.
 22 Q. Do you even know how to get to them?
 23 A. No. Probably the Board office.
 24 Q. When you were first hired in, did they say, These are
 25 the policies. You need to read them?

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1 A. Oh, no. They just hand us -- there's a teacher
 2 handbook, and they give us a teacher handbook that has the
 3 school rules and things for emergencies, you know, emergency
 4 procedures, and tell us to read that.
 5 Q. So in your several years with the district, you've never
 6 had any training or direction as it relates to the Board
 7 policies?
 8 A. There's no training. There is no training like that.
 9 Q. As you sit here today, do you know what the policy of
 10 the Mount Vernon city school system is related to religion?
 11 A. Am I going to get in trouble?
 12 Q. This is not an OAT test.
 13 A. Okay. This is what I thought: Now I think that I'm not
 14 supposed to have a Bible on my desk.
 15 Q. Do you?
 16 A. I always have, but I didn't realize that it was against
 17 a Board policy thing.
 18 Q. Do you have that Bible on your desk today?
 19 A. I put it in my drawer, I think.
 20 Q. Today, you did?
 21 A. No. A couple days ago.
 22 Q. Okay.
 23 A. Afraid I was going to get fired or something.
 24 Q. Okay. As you sit here today, though, you don't know
 25 anything about the Board's policy as it relates to religion?

1 photographs, other than what you received from Mr. Short?

2 A. Yes.

3 Q. What kind of photos did they provide you?

4 A. Had to do with an abortion van at the middle school.

5 Q. Any other pictures?

6 A. Not that I recall.

7 Q. Why did they show you a picture of an abortion van at
8 the middle school?

9 A. They were concerned about the controversy that was going
10 on in the community, and during this controversy this
11 abortion van showed up at the middle school and they were
12 concerned about it.

13 Q. So why did they give you the pictures? You're there to
14 investigate the mark on the arm. Why did they give you a
15 picture about --

16 A. They consider it to be part of the -- part of their
17 concerns that that would have generated a visit somehow by
18 the -- this abortion van. There had also been discussions in
19 their view about abortion, a visit to an abortion clinic by
20 Mr. Freshwater.

21 Q. Let's clarify. There is nothing in your investigative
22 report related to this picture about an abortion van out in
23 the middle school, correct?

24 A. Correct.

25 Q. You didn't think it was relevant?

1 A. Didn't think it was relevant. At the end of the
2 investigation, we didn't think those pictures were relevant.

3 Q. You did think it was relevant, though, to put some
4 information in there about an abortion clinic, correct?

5 A. Yes, I think that was in the report. Yes, that was a
6 concern that had been raised and we talked to Mr. Freshwater
7 about it. We discussed it in interviews with students and I
8 believe Mrs. Frady and I think what we stated here is
9 accurate.

10 Q. Would you reference the page where you're looking at,
11 sir.

12 A. Page 10, bottom of the last paragraph.

13 Q. And you just simply, based upon your determination,
14 didn't believe it was relevant to add in this additional
15 concern by the Dennis family, correct?

16 A. I believe I just stated we investigated it and came to
17 the conclusion that we include it in the report.

18 Q. Did you ever put Mr. Millstone or Mr. Short on notice
19 about this picture?

20 A. I don't recall that I -- I don't recall that I did with
21 Mr. Short. I don't recall -- I didn't see, frankly, a need
22 to, quote, put them on notice. I mean, there was a -- it
23 appeared from the -- are you talking about the abortion van?

24 Q. The picture that the Dennis family provided you, sir.

25 A. Picture of the abortion van? I didn't see it as being

1 something that -- again, I had no dialogue with Mr. Short,
2 other than setting up interviews during this whole
3 investigation. And so I would not have -- I didn't see a
4 need and did not.

5 Q. Do you have a copy of this picture?

6 A. We would have it in our files, yes.

7 Q. Which member of the Dennis family provided you that
8 picture? Was it Mr. or Mrs?

9 A. They were sitting together.

10 Q. Did they make any allegation or assertion that John
11 Freshwater had something to do with that particular van?

12 A. They were wondering what that was all about. It was a
13 concern they had.

14 Q. Did they make any assertion or allegation that
15 Mr. Freshwater had anything to do with that van being there?

16 A. Let me think about the context. I think the correct
17 context would be they were concerned that he was involved in
18 that as part of this controversy.

19 Q. So they expressed a concern of Mr. Freshwater's
20 involvement, and based upon all these other allegations, you
21 did not deem it relevant to include that information in the
22 report, correct?

23 A. It's on the bottom of page 10.

24 Q. Is it because you didn't think the Dennises were
25 credible with that accusation?

1 A. No. As I said, their context was as concerned parents.
2 And as we were starting an investigation, they were saying we
3 don't understand what this is all about and they were looking
4 to us to include it in the investigation. So I think they
5 were very credible. I think they had a right to be
6 concerned. We investigated it and came to this conclusion at
7 the bottom of page 10. So I think they were very credible in
8 raising it as a concern.

9 Q. You never asked John Freshwater about that picture, did
10 you?

11 A. I discussed the topic of -- I did not put that picture
12 in front of him, no.

13 Q. Did you even ask him about the picture?

14 A. I discussed the abortion clinics, his role with
15 abortion, and I did not discuss that further with him.

16 Q. So you got it from the Dennises. They had a valid
17 concern, a concern that you state was credible and valid, but
18 you didn't even ask Mr. Freshwater about it?

19 A. I believe I asked him in the context of involvement with
20 an abortion clinic, and so forth. So yes, I believe I
21 covered that with him. He denied it. This was one that we
22 looked at and said there's not strong evidence one way or the
23 other, so we did not include it in the report.

24 Q. There's not strong evidence one way or the other, but
25 you did not even ask John Freshwater specifically about that

1 picture, correct?

2 A. I believe I did not ask him specifically about that
3 picture.

4 Q. So you said that there wasn't credible evidence or there
5 wasn't enough evidence to include it in the report. So
6 essentially what you're translating is that you didn't think
7 the Dennis family was credible with that assertion, correct?

8 A. No. I believe I already answered that. I said they
9 were very credible. People can have an honest view about
10 something and believe that honestly about it and, again, you
11 have to make judgment calls.

12 Q. And they had a view, the Dennis family. You believe it
13 was an honest view that somehow John Freshwater was involved
14 with that van, correct?

15 A. Let's go back over what I said. They raised it as a
16 concern as something they would like to see us investigate.

17 Q. Did you ever meet with the Dennis's attorney, Jessica
18 Philemond?

19 A. I did not meet her until yesterday morning.

20 Q. You ever spoke to her on the phone?

21 A. I don't believe I have.

22 Q. You ever had any communications with her in writing?

23 A. No.

24 MR. MILLSTONE: I didn't hear the last question.

25 THE COURT: Communications in writing.

1 memorization?

2 A. I remember hearing something from -- I don't know from
3 where, but somebody saying that he made them memorize Bible
4 verses.

5 Q. Was it the Barone family?

6 A. Possibly. I don't know.

7 Q. You made an allegation that John held up a Bible and
8 discussed the end of the world.

9 A. Yes.

10 Q. Did you make an allegation that John Freshwater was
11 somehow responsible for an abortion van at the middle school?

12 A. Yes.

13 Q. Okay. Any other allegations that you made other than
14 the ones I recited for you?

15 A. I think you covered them.

16 Q. Do you know of any allegations that you made or that
17 your parents made that were not included in the investigative
18 report?

19 MR. MANSFIELD: Objection. Foundation. Your
20 Honor, he's already testified he hasn't read the
21 investigative report, so I'm not sure he's going to be --

22 MR. HAMILTON: Actually, he said he looked at
23 certain parts. He never identified what certain parts.

24 MR. MANSFIELD: If he hasn't read the whole thing,
25 he can't possibly testify.